

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Lanny Sloan and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to approve the minutes of the August 5, 2008 Regular Meeting and the August 7, 2008 Special Meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

Frank Tranchina, 763 1630 Road, stated some concerns about bridges that were used by Cottonwood for golf carts being unsafe and needing to be repaired or removed.

Tj Davis with the Chamber of Commerce presented Council with a Business Enhancement report.

Financial Report

Finance Director Tod DeZeeuz presented the financial report ending July 31, 2008 and answered questions from Council.

Report of Delta Housing Authority/Request for funding by Jo Rosenquist

Councilmember Carlquist introduced Jo Rosenquist, Executive Director for Delta Housing Authority.

Ms. Rosenquist presented an update on the Villas at the Bluff. This project will consist of 48 units for the workforce housing. She stated that a few units should be completed in the earlier part of the second quarter 2009.

Ms. Rosenquist addressed Council on the costs of the project. She stated that costs have increased due to the rise in fuel costs and would like Council to consider increasing the financial support. She explained how the costs have gone up and why they decided to go with a stick built project rather than modular housing.

Councilmember Carlquist gave a little history on the Delta Housing Authority. She stated that DHA was created by the City of Delta back in the 1970s. The funding is limited to the federal public housing which provides public housing, section 8, and the rural development project. She explained that there are no additional funding streams for DHA for projects like Villas at the Bluff so they are requesting that Council put \$100,000 in the 2009 budget.

Fox Hollow Estates Subdivision Filing No. 5 Final Plat

Community Development Director Glen Black stated that is a final plat for Fox Hollow No. 5. Staff has reviewed the submittal and recommends approval contingent upon the following conditions:

- All corrections are made to final plat as redlined by staff and two signed mylar copies are accepted
- Minor corrections made to the as-built drawings as redlined and one wet stamped mylar set and one wet stamped paper set are accepted
- Each pond in the detention system must have its volume certified by an engineer as being adequate

Regular Meeting, Delta City Council, August 19, 2008 (Cont.)

Fox Hollow Estates Subdivision Filing No. 5 Final Plat (cont.)

- Water line main must be looped from end of Caribou Street north up Muskrat Street
- Subdivision Improvements and Lien Agreement is entered into securing outstanding improvements
- Meet all City of Delta applicable requirements, standards and specifications

Councilmember Carlquist asked questions regarding parks.

Mr. Black explained the park improvements.

It was moved by Councilmember Carlquist and seconded by Councilmember Pfalzgraff to approve the Final Plat for Fox Hollow Estates Subdivision Filing No. 5 with all staff recommendations. All in favor, motion carried.

River Walk Subdivision Preliminary Plat

Community Development Director Glen Black explained that Jack Petruccelli has submitted the River Walk Subdivision Preliminary Plat. Staff has reviewed the Preliminary Plat as submitted and made recommendations to Planning Commission. Planning Commission has recommended approval with staff recommendations and the following points of clarification:

- Highway 50 and 1600 Road intersection improvements will be secured at final plat by a subdivision improvements agreement (SIA). Developer has agreed to pay thirty percent (30%) of the cost of signalization and has agreed that up to \$1,000 per lot may be secured toward that cost.
- Improvements in front of 477 1600 Road (Timberline Plumbing) are approved per sketch provided and full design will be shown on the corrected redlines of the construction drawings.
- CDOT approved access permits will be provided to the City prior to construction
- State approval of the sewer lift station will be provided to the City prior to construction
- Additional mailbox locations will be shown on the corrected redlines (appropriately located)
- Corrected landscape plans with detail fence, berms, irrigation and landscape along 1600 Road
- Fence will NOT be constructed along park layout including soccer field layout specifically showing turf, landscape, irrigation system, grading plan, drainage system and soccer goals
- All corrections will be approved by staff prior to construction
- Developer will stub water and sewer lines per City approved location for construction of the park bathroom. Developer will contribute \$5,000 toward construction of the bathroom and the City will design and build the bathroom including sewer and water tap costs.
- A plat note will be added requiring any duplex constructed to have at least 1100 square feet per unit (2200 square feet minimum total size)

Councilmember Pfalzgraff asked about all of CDOT requirements for approval.

Mr. Black explained the process to require the permits.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to approve the River Walk Subdivision Preliminary Plat with staff recommendations. All in favor, motion carried.

Phillips Machine West, Variance Request

Community Development Director Glen Black stated that Phillips Machine West as applied for a variance request. Mr. Black explained section 15.04.090(A)(1)(b) of the Delta Municipal Code. The request is for a variance from the contrasting material requirement for the south side (rear) of the building. Staff agrees with the applicant that the south side of the proposed building will not be visible from the highway and they do not anticipate a road to be located to the south of this property.

Mayor Cooper stated this has been done for several other businesses along the highway.

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Phillips Machine West, Variance Request (cont.)

It was moved by Councilmember Seuell and seconded by Councilmember Carlquist to grant the variance from Municipal Code 15.04.090(A)(1)(b) by not requiring 20% contrasting materials on the south side (rear) of the Phillips Machine West shop building. All in favor, motion carried.

Public Hearing: Annexation of the Lee Addition

The Mayor closed the regular meeting and convened the public hearing.

Community Development Director Glen Black explained that this is the Lee Addition Annexation owned by Mark Lee. This is a boundary adjustment between Mark Lee and Vernon Nutter. Mr. Black showed Council slides of the proposed area and explained the location.

Mr. Black stated that staff has reviewed the application and feels that it does meet the criteria. He explained the boundary adjustment process. There has been a letter received from the County Attorney stating that the County requests that Council defer acting on this annexation and allow the County to review this as a subdivision. Mr. Black explained the concerns that the County has with the annexation.

Mr. Black recommended that Council deny the annexation and refer it back to the County. He stated that Kevin Bray may want to ask Council to continue this until the next scheduled meeting to work with the attorneys to get this resolved. He advised that staff would not be apposed to doing this as long as there is some kind of set time frame.

Councilmember Carlquist asked questions on keeping the public hearing open.

Attorney Michael Schottelkotte stated that the public hearing would stay open until a specified time. He explained that due to noticing requirements Council could deny it.

There was discussion on the noticing requirements and continuing the public hearing.

The Mayor asked for public comment.

Kevin Bray, 637 North Ave, Grand Junction, agrees with staff and believes that it would be appropriate to table this because of the uniqueness of this property. He stated that he is working with the County and feels that this can be worked out. He asked Council to continue to this until the September 2nd, 2008 meeting with no changes to the request that has been presented tonight.

The Mayor closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to continue the Public Hearing until the September 2, 2008 regular meeting. All in favor, motion carried.

There was discussion on the next agenda items relating to the Lee Addition Annexation.

It was moved by Councilmember Carlquist and Councilmember Pfalzgraff to continue Resolution #7, 2008, Council Bill #9, 2008, and Council Bill #10, 2008 until the September 2, 2008. All in favor, motion carried.

Ordinance #7, 2008; Second and Final Reading
Amending and Supplementing Section 8.24.010 of the Delta Municipal Code

Ordinance #7, 2008

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AMENDING AND SUPPLEMENTING SECTION 8.24.010 OF THE
DELTA MUNICIPAL CODE IN ORDER TO PROVIDE FOR THE
PROHIBITION AND ABATEMENT OF GRAFFITI AS A FORM
OF PUBLIC NUISANCE

was introduced as Council Bill #7, 2008 and read by the Clerk.

Regular Meeting, Delta City Council, August 19, 2008 (Cont.)

Ordinance #7, 2008 (cont.)

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to adopt Council Bill #7, 2008 on second and final reading with the amendment. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Pfalzgraff aye, Seuell aye, and Cooper aye. Council Bill #7, 2008 was adopted on second and final reading as Ordinance #8, 2008.

Ordinance #8, 2008; Second and Final Reading
Lease Agreement for 58 Electric Powered Gold Carts

Ordinance #8, 2008

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
AUTHORIZING AN LONG-TERM LEASE OF EQUIPMENT FOR
USE UPON AND IN CONNECTION WITH THE CITY'S PUBLIC
GOLF COURSE, WITH THE MONTHLY PAYMENTS DUE IN
EACH YEAR UNDER SUCH LEASE TO BE SUBJECT TO
ANNUAL APPROPRIATIONS HEREAFTER AUTHORIZED BY
THE DELTA CITY COUNCIL

was introduced as Council Bill #8, 2008 and read by the Clerk.

Frank Tranchina commented on the process of ordering the golf carts and the funding of Devil's Thumb Golf Club.

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to adopt Council Bill #8, 2008 on second and final reading. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Pfalzgraff aye, Seuell aye, and Cooper aye. Council Bill #8, 2008 was adopted on second and final reading as Ordinance #8, 2008.

Bronze Sculpture Contract

Culture and Recreation Director Wilma Erven explained that during a City Council retreat in 2001 staff was directed to develop a monumental size bronze sculpture for the City of Delta. The Public Arts Committee and the sculpture sub-committee have been working for six plus years to find funding to complete this project, as well as doing fund raising activities. Staff has not been successful in the grant writing process. Funding agencies and Foundations are not funding public art, because they feel that most towns are setting aside a percent of sales tax and such for public art. This year alone staff wrote four grants and made a presentation to the County Commissioners. The only success that was experienced was with the County Commissioners, which have committed \$10,000 this year and 2009. The project would start and be paid \$50,000 in 2008 and \$65,000 in 2009. The cost for this project would be \$110,000 from Scott Shaffer in Grand Junction who presented the lowest bid.

Councilmember Carlquist asked questions on the allocated funds to start the project and the County's commitment from the County Commissioners.

Ms. Erven explained that they have allocated for six years on this project and have not spent those monies. There are monies allocated this year to start the project. She also explained the County's commitment to funds.

It was moved by Councilmember Jurca and seconded by Councilmember Carlquist to award the Bronze Monument project to Scott Shaffer in the amount of \$110,000. All in favor, motion carried.

Ms. Erven thanked Linda Brown, Sheri Wood, Cathleen Davis and Gracie Esser who has worked on the project.

City Attorney Comments

Attorney Michael Schottelkotte stated that there has been an Appeal on the decision that Council made on the *de novo* hearing on the Burns/Miles rezone request filed with the District Court. At this time he would request an Executive Session after this meeting for discussion on this matter.

Regular Meeting, Delta City Council, August 19, 2008 (Cont.)

City Manager Comments

City Manager Lanny Sloan commented on the video that is being produced and being furnished to the City of Delta.

Mr. Sloan reminded everyone of the Employee Appreciation luncheon Friday at noon at the Golf Course.

Mr. Sloan stated that the golf pro, Rob Sanders, along with three other amateurs from the golf course represented the City of Delta in a tournament in Brighton and came in first place. They now will represent the City of Delta in the national tournament that is going to be held in North Carolina.

Councilmember Comments

Councilmember Carlquist stated that she continues to hear wonderful things about the golf pro and how the golf course looks.

Councilmember Jurca congratulated Rob Sanders.

Councilmember Pfalzgraff also congratulated Mr. Sanders and has also heard great things about the golf course.

Councilmember Seuell also congratulated Mr. Sanders.

Mayor Cooper commended Heidi Gruber for her success at the fair. She also stated that she has heard from several individuals that the flowers are beautiful.

Executive Session

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Seuell to go convene an Executive Session for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions pursuant to CRS 24-6-402(4)(b), or more specifically, to receive legal advice on the Appeal of the City Council decision on the Burns/Miles Rezone Request. All in favor, motion carried.

At 8:00 p.m., the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 8:20 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff, and Bill Seuell, along with City Manager Lanny Sloan, City Attorney Mike Schottelkotte and City Clerk Jolene Nelson. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

The meeting was immediately adjourned.

Jolene E. Nelson, City Clerk